

REMARKS

Amendments to the Claims

By this Amendment, Applicants amend claims 3, 18, 21, and 31 to correct punctuation or grammatical errors. Claims 7-9, 11, 27, and 34 have been amended to correct a typographical error in the claim dependencies. Accordingly, no new matter has been added.

Response to Election Requirement

In the January 8, 2008 Office Action, the Examiner required a number of species elections under PCT Rule 13.2. The first requirement was for election of one of the following species of TGF- β antagonist if no generic claim is finally allowed: an anti-TGF- β antibody (claims 6-12 and 28-34); an anti-TGF- β receptor antibody (claims 6 and 28); and a soluble TGF- β receptor (claims 6 and 28). Claims 1-6, 13-27, and 35-38 were deemed generic. In response, Applicants provisionally elect an anti-TGF- β antibody. Claims 1-38 read on this elected species. Applicants note that they will be entitled to further search of the unelected species should the elected species be found patentable.

The Examiner further required a number of additional species elections under PCT Rule 13.2 premised upon the conclusory statement “[t]he international search report filed with the present application indicates that the species cannot be considered novel or cannot be considered to involve an inventive concept.”

Applicants respectfully disagree, and hereby traverse the requirement for election of a species of anti-TGF- β antibody, a species of RAAS inhibitor, and a species of mammalian disease or disorder. In particular, the International Search Report (ISR) found no relevant references of the “X” type, considered to indicate “the claimed

invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone” (the one reference marked “X” Benigni et al., was published after the priority date of this application). Furthermore, several of the remaining “Y” references, considered to indicate “the claimed invention cannot be considered to involve an invention step when the document is combined with one or more other such documents,” are not applicable under 35 U.S.C. §102(b), and therefore are only presumptively “before the invention” by the Applicant. Moreover, no reasoned statement has been provided as to which of the references in the International Search Report, when combined in what manner, would destroy the “single general inventive concept” of the claimed invention.

In any case, Applicants further note that there would be no undue burden to search, for example, both the 1D11 and the CAT192 species of anti-TGF- β antibody claimed. Accordingly, Applicants respectfully traverse the requirement for election of these species.

Nonetheless, as required in response to this Action and as stated above, Applicants provisionally elect: the anti-TGF- β antibody 1D11; lisinopril; and renal insufficiency. Claims that read on these elected species include 1-6, 8, 10, 13, 16-19, 23-26, 28, 30, 32, 35 and 38. Applicants note that they will be entitled to further search of the unelected species should the elected species be found patentable.

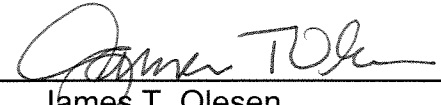
CONCLUSION

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 10, 2008

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